

Ask A Warden

by Lt. Liz Schwall

Question:

I will be accompanying some friends to their pheasant club. I plan to take my dog and use it to locate and retrieve birds. I will not be hunting nor will I have a shotgun with me. Since I will only be directing the dog in the hunting, am I required to have a hunting license?

Answer:

The question really is: Is a dog considered to be a means of "take"? The answer lies in section 311(n) of the California Code of Regulations/Title 14. This section says, "Dogs may be used to take and retrieve resident small game". So as you can see, section 311(n) states that dogs are considered to be a means of take. Therefore, a person controlling and actively directing a dog to find game, would need a hunting license. In fact, on pheasant clubs (where domestically raised birds are planted), it's not that uncommon for dogs to actually grab birds before they are flushed. Safest bet ... either get a hunting license or let someone else (who is licensed) work the dog.

Question:

Recently, I was warned by a deputy sheriff that I was violating Fish & Game Code section 3004 by hunting with my bow too close to dwellings. I am aware that it is illegal to shoot a firearm within 150 yards of dwellings but I did not know this applied to archery equipment as well... does it?

Answer:

Fish & Game Code section 3004 establishes a "safety zone" of 150 yards (450 feet) from any "occupied dwelling house, residence, or other building or barn or other outbuilding used in connection therewith". The section further states that it is unlawful for any person who is not the



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property owner, person in possession of the property (like a lessee), or a person having express permission of the property owner to "...hunt or to discharge while hunting, any firearm or other deadly weapon..."

So what does this all mean? It means that you are free to hunt your own property, or on property where you have express permission to be, as close to your own home or barns as you like. However, it does not permit you to hunt (on any property) with a firearm or other deadly weapon within 150 yards of any neighbor's house, barn, outbuilding, etc. without the neighbor's express permission.

Although the California Penal Code does not specifically define archery equipment as being a deadly weapon, clearly bows and arrows would fall under this definition as they are designed to kill game. Persons hunting with firearms or archery equipment on public lands that adjoin private lands need to be mindful of this section and maintain the 150 yard distance from homes, barns, and other outbuildings.